

From: Warren Mann
To: Microsoft ATR
Date: 12/10/01 6:12pm
Subject: Microsoft Settlement

I have reviewed the proposed settlement with Microsoft. I would like to point out that no settlement will be effective if it does not address one very important activity that Microsoft has consistently used to strengthen its monopoly position. This is the activity referred to as "embrace and extend". This term is even used in Microsoft's own internal documents: <http://www.opensource.org/halloween/>

My concern is Microsoft's activities in "embracing" open standards, such as the protocols that allow the web to work, and then "extending" them, without releasing the details of the extensions, citing copyright/patent issues. This effectively locks competitors out of the market. This behavior is intentionally done to strengthen Microsoft's monopoly power, BY THEIR OWN ADMISSION:
<http://www.opensource.org/halloween/halloween2.html>

Any settlement which fails to address these issues is only strengthening Microsoft's monopoly.

Warren Mann
Kansas City, MO